

## **REMARKS**

### **1. INTRODUCTION**

Claims 1-18 are presently pending in this application. Applicants respectfully request further examination and reconsideration of the application.

### **2. ELECTION OF SPECIES OF INVENTION**

Applicants hereby elect, with traverse, the species shown in Figures 1-2 of the application. Applicants disagree with Examiner that none of the claims are generic and submit that claims 1-5 are generic to the species identified as Species I, II, and III by the Examiner. Further, Applicants submit that each of the claims 1-12 reads on the elected Species I.

### **3. TRAVERSAL**

The requirement for an election of species for prosecution on the merits is respectfully traversed. There are two criteria for proper restriction:

1. The inventions must be independent or distinct as claimed;
2. There must be a serious burden on the examiner if restriction is not required (MPEP § 803).

Accordingly, a restriction is proper only when the restricted inventions are independent and patentably distinct (MPEP § 803). Further, the burden is on the examiner to provide reasons and/or examples in support of restriction (MPEP § 803). The Office has not carried this burden.


The Examiner asserts that (a) Species I includes embodiments drawn to a single cable attenuator having the particular mounting bracket shown in Figures 1 and 2; (b) Species II includes embodiments drawn to a single cable attenuator having the particular mounting bracket shown in Figure 3; and (c) Species III includes embodiments drawn to a double cable attenuator shown in Figure 4. Applicants assert that beyond suggesting distinct species, the Office has not proven a "serious burden" if the restriction is not required. Applicants submit that a search and examination of the entire application can be made without serious burden. Applicants therefore request withdrawal of the requirement for an election of species.

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Reply to Office Action of 01/24/2006

If the Examiner has any further questions regarding the matter, the Examiner is directed to contact the Applicants' undersigned attorney.

Respectfully submitted,

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